

Remarks

Claims 1 – 3, 5 – 15, and 51 – 64 are pending. Claims 1 – 3, 5 – 15, and 51 – 64 presently stand rejected. By this amendment, claims 1 and 51 have been amended. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

35 U.S.C. §101 Rejection

Claims 51 – 64 presently stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Particularly, the Examiner indicates that “[the] recited method or process claims do not transform underlying subject matter (such as an article or materials) to a different state or thing, **nor are they tied to another statutory class (such as a particular machine).**” See page 2 of Action, emphasis added.

Applicants respectfully submit that the method as claimed in independent claim 51 is tied to a gaming **machine** that includes a **display** and a **controller**.

Therefore, Applicants respectfully submit that independent claim 51 and thus dependent claims 52 – 64 meet the requirement of 35 U.S.C. § 101.

Withdrawal of the rejection is respectfully requested.

35 U.S.C. §103 Rejection

Claims 1 – 10, and 51 – 59 presently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,132,311 (“Williams”) in view of U.S. Publication No. 2003/0214097 (“Moody”).

Independent claims 1 and 51 have been amended.

Claims 1 and 51, as now amended, are directed to a gaming machine that plays a game and includes a display and a game controller. The controller controls the game which includes a plurality of different sub-games. Each sub-game draws symbols from a different set of sub-game symbols. The controller determines a first partial outcome and a corresponding expected value from the first partial outcome of a first one of the sub-games. Using the expected value, the controller selects a partial outcome for each of the remaining sub-games, and displays the partial outcomes of all of the sub-games. Each of the partial outcomes is thereafter used to provide a final outcome of each one of the sub-games. The final outcomes provide an outcome of the game.

Williams does not teach or suggest claim 1 and 51.

For example, page 4 of Action indicates that “Williams does not specifically teach wherein the expected value of a first sub-game as derived from the displayed partial outcome of the first sub-game is used to select the displayed fewer than full set of images of the remaining sub-games in the initial display.”

Williams also fails to disclose a plurality of sub-games, in that each sub-game draws symbols from a different set of sub-game symbols.

Rather, Williams discloses that all the hands, which the Examiner indicates as sub-games, come from a single deck of cards. See col. 6, lines 6 – 8. Thus, for example, if two revealed community cards are Aces, there are at most a total of two other Aces available in any of the unrevealed partial hands, whereas, in an embodiment of the claimed invention, the symbols revealed as the partial outcome in one of the sub-games does not impose any symbol limits on the rest of the sub-games because each sub-game has its own set of symbols being used.

Moody fails to cure any of these deficiencies.

Rather, Moody at most uses a standard deck of fifty two cards possibly plus jokers. See paragraph [0033].

Further, Applicants respectfully submit that the expected value of Moody cannot be applied to Williams. Particularly, Moody does not derive the expected value from a “partial

outcome.” Rather, Moody derives the expected value from a five-card hand, which is a full outcome. Therefore, the other hands drawn (after discard) are based on the expected value of the full outcome, not from any partial outcome. Thus, to combine Moody with Williams, the five-cards (not two) of Williams would be used to determine an expected value and then the expected value be used to derive Williams’ other four sets of five cards. This differs from “the expected value of a first sub-game as derived from the displayed partial outcome of the first sub-game is used to select the displayed **fewer than full set of images** of the remaining sub-games in the initial display,” as recited in claim 1, emphasis added.

Thus, even if one were motivated to combine the teachings of Williams and Moody, one would still fail to arrive at the claimed invention since Williams and Moody, in combination, does not teach or suggest a gaming machine arranged to display a partial outcome of each of a plurality of sub-games whereby fewer than a full set of images of each of the sub-games is displayed. Nor that an expected value is derived from a partial outcome of a sub-game and is used to select the fewer than full set of images of the remaining sub-games in the initial display.

Therefore, claim 1 and 51 are allowable in view of Williams and Moody.

Claims 2, 3, 5 – 10, and claims 52 – 59 are dependent from claims 1 and 51, respectively. Therefore, claims 2, 3, 5 – 10, and claims 52 – 59 are also allowable for at least the same reasons set forth above with respect to claims 1 and 51.

Claims 11 – 14, and 60 – 63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Moody and U.S. Pub. No 2002/0183105 (“Cannon”).

Claims 11 – 14 depend from claim 1. Claims 60 – 63 depend from claim 51. Therefore, claims 11 – 14, and 60 – 63 are allowable in view of Williams and Moody for at least the same reasons set forth above with respect to claims 1 and 51.

Cannon fails to cure the deficiencies of Williams and Moody. Cannon does not teach or disclose a plurality of different sub-games, and each sub-game draws symbols from a different set of sub-game symbols.

Cannon also does not describe any expected value of a first sub-game as derived from the displayed **partial** outcome of the first sub-game being used to select the displayed **fewer than full** set of images of the remaining sub-games in the initial display.

Therefore, claims 11 – 14, and 60 – 63 are allowable in view of Williams, Moody, and Cannon for at least the same reasons set forth above.

Claims 15, and 64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams and Moody, in view of Cannon and U.S. Pub. No 2003/0054877 (“Baerlocher”).

Claim 15 depends from allowable claim 1. Claim 64 depends from claim 51. Therefore, claims 15 and 64 are also allowable in view of Williams, Moody, and Cannon for at least the same reasons set forth above with respect to claims 1 and 51.

Baerlocher fails to cure the deficiencies of Williams, Moody, and Cannon. Rather, Baerlocher merely discloses partially revealing a first award on display device of a gaming apparatus. Baerlocher does not teach or disclose a plurality of different sub-games, and each sub-game draws symbols from a different set of sub-game symbols.

Baerlocher does not describe any expected value of a first sub-game as derived from the displayed **partial** outcome of the first sub-game being used to select the displayed **fewer than full** set of images of the remaining sub-games in the initial display.

Therefore, claims 15 and 64 are allowable in view of Williams, Moody, Cannon and Baerlocher for at least the same reasons set forth above.

Conclusion

Applicant respectfully submits that all of claims 1 – 15, and 51 – 64 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicants' Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation.

Respectfully submitted,

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